



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 13, 1995

Mr. Mark B. Taylor
City Attorney
City of San Marcos
City Hall
630 E. Hopkins
San Marcos, Texas 78666

OR95-589

Dear Mr. Taylor:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 32241.

The City of San Marcos (the "city") received a request for copies of the review panel's evaluations and background investigation maintained as part of the application process relating to the requestor's application as an emergency communications operator. You do not object to the release of the background investigation reports or to most of the information included in the review panel's interview summary forms. However, you claim that certain portions of the interview summary forms should be excepted from disclosure pursuant to section 552.111 of the Government Code. You have submitted copies of the documents with markings which identify those portions you seek to withhold from disclosure.

Section 552.111 of the Government Code excepts "an interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency." In Open Records Decision No. 615 (1993), this office reexamined the predecessor to section 552.111 in light of the decision in *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.--Austin 1992, no writ) and concluded that section 552.111 excepts only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body. An agency's policymaking functions, however, do not

encompass internal administrative or personnel matters, because disclosure of information relating to such matters will not inhibit free discussion among agency personnel as to policy issues. *Id.* at 5-6. In addition, section 552.111 does not except from disclosure purely factual information that is severable from the opinion portions of internal memoranda. *Id.* at 4-5.

The documents submitted for our review concern an internal personnel matter. The reviewers' advice, opinion, and recommendations regarding the hiring of a particular applicant do not relate to the deliberative or overall policymaking processes of the city. Thus, you must release the information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/LMM/rho

Ref.: ID# 32241

Enclosures: Submitted documents

cc: Ms. Bridgeda L. Kolb
327 Riverside Drive
San Marcos, Texas 78666
(w/o enclosures)